

*Application No. 10/667,851
Amendment Dated 8/22/2008
Reply to Office Action dated 5/22/08*

AUG 22 2008

Remarks/Arguments

Claims 1-27 are pending in the present application. Claims 1, 11, 21, 25 and 27 are currently amended. Claim 27 was previously presented.

Examiner noted that in the previous "Amendment In Reply to the Office Action," dated 10/18/07, Applicant did not argue lack of Official Notice with respect to certain dependent claims. However, nowhere in the previous Amendment did Applicant explicitly agree with the examiner's assessment of obviousness or Official Notice. Rather, Applicant fully responded to the previous Amendment by arguing that the independent claims (and; hence, all claims dependent thereon) were nonobvious and patentable. As indicated on page 10 of the Amendment, claims 2-10 and 27 depend upon claim 1, and are patentable for the same reasons as claim 1. Claims 12-20 depend on claim 11 and are patentable for at least similar reasons to claim 11.

Claim 25 was objected to under 37 CFR 1.75 as being of improper dependent form for failing to limit the subject matter of a previous claim. Accordingly, claim 25 has been amendment to depend on claim 21. Applicants respectfully request the withdrawal of the above objection.

Claims 1-27 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner indicates that "It is unclear who or what is associated with the data processing system" and "It is further unclear what the association is." Accordingly, Applicants have amended claim 1, 11 and 21 to recite that the library is "stored in a data storage device associated with a data processing system." Applicants respectfully request withdrawal of the rejection of claims 1, 11 and 21.

Claim 27 was rejected as allegedly being unclear. Accordingly, Applicants have amended claim 27 to recite "wherein the searching further comprises returning the tailored list of the candidate incentive programs and potentially relevant incentive programs even if a submitted crop plan or query fails to satisfy a minimum purchase or minimum transaction requirement."

Claims 1-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2001/0047307 A1 ("Bennett") in view of U.S. Pub. No. 2003/0163401

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A1 ("Dines"). This rejection is respectfully traversed for the following reasons.

Bennett discloses an on-line purchasing system that supports buyer affordability screening. (Abstract.) Bennett selects buyers to whom incentives are distributed (e.g., via e-mail). (Bennett at paragraphs 146 and 151.) Bennett also selects loan offerings for a given good or service selected by a buyer. (Bennett at paragraphs 38 and 152.) The "affordability-based web server may identify an additional and superior loan offering or good pricing that may convince the buyer to complete the transaction." (Bennett at paragraph 146.) Bennett discloses that the "lender may identify buyers having pending underlying transactions involving, or who have show interest in, the goods, services or financing of the lender or seller." (Bennett at paragraph 148.) Bennett references the "personal credit history" of the buyer (Bennett at paragraph 105) and "loan history" of loans within the lender's portfolio. (Bennett at paragraph 96.)

Dines discloses a method for forming a loan agreement where the lender contractually shares in the proceeds from a future sale of commodity. (Dines, Abstract and claim 1.) In Dines the lender shares in the grower's risk based on the price level of the commodity, for example. (Dines at paragraph 63.) The lender may provide a lower interest rate to the grower in exchange for the ability to share benefits when the market price of a commodity grown by the grower is high. (Dines, paragraphs 62 and 63.)

Even if Bennett and Dines could be combined, the alleged combination of Bennett and Dines would not meet claim 1 or claim 11. The alleged combination of Bennett and Dines does not disclose selecting of incentive programs as recited in the claims. Moreover, the alleged combination lacks: "selecting the available incentive programs from the library of incentive programs through the discretion of a particular retailer servicing a particular producer **based on retailer preferences comprising a geographic region that the retailer services, historic sales, and a supplier relationship with one or more suppliers of the incentive programs,**" as set forth in claim 1 and claim 11 (emphasis added).

Bennet does not select any incentive programs as claimed. Instead, Bennett only selects buyers to whom incentives are distributed. In addition, Bennett also discloses selecting loan offerings for a good or service selected. Nothing in Bennett teaches or suggests a particular retailer exercising its discretion and preferences to

*Application No. 10/667,851
Amendment Dated 8/22/2008
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select incentive programs based on the geographic regions of the retailer, historic sales, and a supplier relationship. Although Bennett references that "lender may identify buyers having pending underlying transactions involving, or who have show interest in, the goods, services or financing of the lender or seller," (Bennett at paragraph 148) Bennett does not refer to selection of incentives based on "geographic region that the retailer services, historic sales, and a supplier relationship with one or more suppliers of the incentive programs" as set forth in claims 1 and 11.

Dines does not make up for the previously noted deficiency in the alleged combination of Bennett and Dines. Dines does not disclose incentive programs for agricultural input products (e.g., non-financial products), but rather lending terms in which the lender contractually shares the risk or reward of the producer's commodity prices. Dines discloses techniques for a lender sharing in the risk of a grower.

If it were possible to combine Bennett and Dines, the alleged combination would arguably be an online purchasing system with buyer affordability screening in which the lender shares some risk in the purchase with the buyer (e.g., buyers limited to those that grow crops and share risks with the lender). For example, the alleged combination would require additional modifications that are not taught by the cited references to provide a tailored list of incentive programs based on the following claimed retailer preferences: "geographic region that the retailer services, historic sales, and a supplier relationship with one or more suppliers of the incentive programs."

In contrast to Bennett, claim 1 and 11 recites "making information accessible on the available candidate incentive programs **on the tailored list** to the particular producer" as recited in claim 1 and claim 11 (emphasis added). Thus, the particular producer advantageously can receive relevant incentive program information on a tailored list that has been filtered based on (1) selecting available incentive programs through retailer discretion in accordance with retailer preferences as previously described and (2) searching the selected incentive programs based on crop planning data comprising background data on the particular producer or the particular producer's operation.

For the foregoing reasons, the alleged combination of Bennett and Dines does not meet claim 1 or claim 11. Claims 2-10 and 27 depend on claim 1 and are

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patentable for at least similar reasons to claim 1. Claims 12-20 depend on claim 11 and are patentable for at least similar reasons to claim 11. Applicants respectfully request withdrawal of the section 103 rejection of the above claims.

Claim 21 is different from claim 1 because it is a system claim, among other things. Consistent with the above discussion of claim 1, the language of claim 21 is somewhat similar to claim 1 in that it recites the following language:

"the available incentive programs selected from a comprehensive list of incentive programs through the discretion of a particular retailer servicing the producer based on retailer preferences comprising a geographic region that the retailer services, historic sales, or a supplier relationship with one or more suppliers of the incentive programs;" and

"a search engine for searching the library of available incentive programs based upon the gathered background data on the particular producer or the producer's operations to select a candidate list of candidate incentive programs from the library of available incentive programs"

Accordingly, the same arguments that applied to claim 1 and claim 10 above, apply to claim 21 as if fully set forth herein. The alleged combination of Bennett and Dines lacks the selection of incentives based on retailer preferences such as the "geographic region that the retailer services, historic sales, and a supplier relationship with one or more suppliers of the incentive programs."

With respect to claim 21, neither Bennett, nor Dines alone, or in combination, disclose transferring the crop planning data and incentive program data on the preferential program to a financial screening process "to reduce or eliminate duplicative reentry of the background data applicable to the incentive programs and the financial screening process associated with financing of the products" as now recited in claims 1, 11 and 21. In Bennett, personal information is merely used to obtain credit report information, for example. (Bennett at paragraph 16 and Bennett at claims 1, 10 and 21.) In the Office Action, the Examiner noted that "Bennett does not disclose receiving crop planning or background data of a particular producer and wherein the crop planning data is sent along with the incentive program to a financial screening process." (Office Action at p. 3.) Dines neither discloses incentive programs for agricultural input products, nor sharing background data for both the incentive program and financial screening.

Application No. 10/667,851
Amendment Dated 8/22/2008
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For the foregoing reasons, the alleged combination of Bennett and Dines does not meet claim 21. Claims 22-26 depend on claim 21 and are patentable for at least similar reasons to claim 21.

Any and all claim limitations that were not expressly discussed above generally were not submitted to overcome any prior art, but to place the claims in better form or to improve their clarity.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested. Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

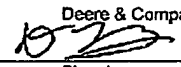
Respectfully submitted



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